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Korea, Republic of

**Food and Agricultural Import Regulations and
Standards**

**Subject Report: KFDA Biotech Labeling Standards
for Processed Foods
2001**

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Report Highlights: This report is a compilation of updated information on the Korean labeling requirements for processed food products that may or may not contain biotech-enhanced ingredients. Information was initially reported in KS0032, KS1026, and KS1042. Given that Korean biotech labeling policy is still evolving, this report will be updated as needed when new information on requirements becomes available.

Includes PSD changes: No
Includes Trade Matrix: No
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The Korea Food & Drug Administration Labeling Standards for Processed Food

Products Containing Biotech Ingredients

Effective July 13, 2001, the Korea Food & Drug Administration (KFDA) required processed food products containing ingredients enhanced through biotechnology (hereinafter refer to as GM ingredients) be labeled when: (1) the primary ingredient is subject to Ministry of Agriculture & Forestry (MAF) biotech labeling requirements, (2) the GM ingredient is one of five major raw materials used in the product, and (3) recombinant DNAs or foreign proteins are still present in the final products.

Presently, MAF has designated the following commodities as subject to biotech labeling requirements: soybeans, soybean sprouts and corn. Starting March 2002, MAF will designate potatoes for biotech labeling.

Similar to MAF, KFDA has implemented a six-month probationary period with introduction of the new processed food labeling standards on July 13. KFDA based this action on the need to allow the industry time to adjust to the new requirements. During this interim enforcement period, KFDA focus will be on educating and guiding the industry to properly label products. All imported products must still meet documentation requirements outlined in this report prior to their release from Customs. KFDA is granting time to importers to gather required documentation regardless when the import inspection request was submitted. KFDA does retain the authority during this interim enforcement period to impose penalties against businesses that intentionally falsely mislabel their product.

A gist of KFDA's "Labeling Standards for Processed Food Products Containing Ingredients Enhanced through Biotechnology" (hereinafter refer to as processed GM Food) follows:

Products Subject to GM Food Labeling:

Article 3, as authorized by provision of Article 10-1 of the Food Sanitation Act, identifies the following products subject to labeling:

1. Bean flour among processed bean products classified under the ordinary processed food category,
2. Corn flour among processed grain products classified under the ordinary processed food category,
3. Processed bean products containing bean or bean flour classified under ordinary processed food category,
4. Processed grain products containing corn or corn flour classified under the ordinary processed food category,
5. Canned beans among processed bean products classified under the ordinary processed food category,
6. Canned corn among processed grain products classified under the ordinary processed food category,
7. Bread (bakery goods) and rice cakes classified under the confectioneries category,
8. Dried confectioneries (e.g. cookie, biscuits) classified under the confectioneries category,
9. Tofu (soybean curd) classified under the tofu category,
10. Processed tofu classified under the tofu category,

11. Whole tofu classified under the tofu category,
12. Soya milks
13. Infant formula classified under the special nutritional food category,
14. Formula for the growth period classified under the special nutritional food category,
15. Grain formula for infant/baby classified under the special nutritional food category,
16. Other infant/baby food classified under the special nutritional food category,
17. Nutritional supplementary food classified under the special nutritional food category,
18. *Doenjang* (soybean paste) classified under the seasoning food category,
19. *Gochujang* (hot pepper soybean paste) classified under the seasoning food category,
20. *Chungkukjang* (fermented soybean paste) classified under the seasoning food category,
21. Mixed bean paste classified under the seasoning food category,
22. Hard boiled foods classified under the Kimchi/pickles category,
23. *Meju* (fermented dry soybean paste - Korean soybean *koji*) classified under the other food category,
24. Corn starch among starches classified under the other food category,
25. Processed corn products for popcorn classified under the other food category,
26. Other food products using, as major raw materials, bean, corn and bean sprouts,
27. Other food products using, as major raw materials, any of the above (1 thru 26).

Note: Foods or food additives subject to the KFDA GMO labeling requirements are any of the above foods and food additives that are manufactured or processed using, as one of five major raw materials, one or more of raw commodities subject to the MAF GMO labeling requirements when recombinant DNAs or foreign proteins are still present in the final products.

Note: Starting March 2002, MAF will require GM labeling of unprocessed potatoes. KFDA labeling standards are expected to be applied on designated processed potato products soon thereafter which would result in modification of the above list.

Products automatically exempt from KFDA GMO labeling requirements:

These processed products are exempt from GMO labeling requirements.

1. Final food products that do not contain DNA or foreign protein
2. Soybean lecithin when used as a food additive, not a food ingredient.
3. Soy sauce
4. Soybean and corn oil.
5. Beer, whiskey, brandy, liquor, distilled liquor, other alcoholic beverages, etc. among foods categorized under alcoholic beverages
6. A food product categorized as a "saccharide" under the Korean Food Code (e.g. starch syrup*, dextrin, glucose, oligosaccharide, fructose, etc.). Such product, even if a major ingredient in a final food product, is not subject to GMO labeling requirements.

Maximum Threshold

Starting March 1, 2001, MAF designated commodities enhanced through biotechnology requiring labeling include unprocessed soybeans, soybean sprouts, and corn if the shipment is destined for direct human consumption and if it contains a biotech-enhanced component of three-percent or higher. The MAF threshold is the default threshold for imported processed food products containing a GM ingredient if certification/verification requirements outlined on pages 4-5 are met. Otherwise, the default threshold tolerance for mandatory biotech labeling for processed food products is "Zero." The KFSA requirement is directed at both the MAF designated commodity list and threshold tolerance.

Domestically manufactured or imported processed foods using an MAF-designated commodity subject to MAF GM labeling requirements as one of five major ingredients must be labeled as containing a GM ingredient.

Domestically manufactured or imported processed foods using an MAF-designated commodity NOT subject to MAF GM labeling requirements as one of the five major ingredients does not have to label as containing a GM ingredient if certification/verification requirements outlined on pages 4-5 are met.

Labeling of Processed Food Products Containing Biotech Ingredients

Labels will contain the following terminology:

- 1) "Recombinant Food" or "Food Containing Recombinant XX" (e.g., "Food Containing Recombinant Corn") is to be indicated on the principle display panel in a way that the consumer may easily recognize the label, and
- 2) "Recombinant" or "Recombinant XX" (e.g., "Recombinant Corn") is to be indicated in parentheses' aside the name of the GM ingredient listed as a raw material of the food.
- 3) "May Contain Recombinant XX" (e.g., "May Contain Recombinant Corn") is to be indicated when it is not sure a product contains GM ingredients or not.

The colors of labeling shall be clearly distinguishable from the color of the container or package. Indelible ink, a stamp, brand, etc. will be used so that the consumer may easily find the label.

Non-detachable stickers may be used for imported foods or food additives, or ink, stamp or brand, etc., which for characteristics related to the packaging standard labels cannot be used. Such stickers can be applied in Korea prior to Customs clearance.

Note: If label exemption requirements 1, 2 or 3 displayed under the certification/verification section below cannot be met, the importer or exporter must apply a sticker on the product stating it "May Contain Recombinant xxx."

Labeling of Processed Food Products NOT containing a Biotech Ingredient

KFDA does NOT permit labeling as "Non-GMO" or "GMO Free" for processed food products. Whereas, MAF does permit labeling as "Non-GMO" or "GMO Free" for unprocessed bulk commodities that are 100-percent free of any biotech component.

Who is Responsible for Labeling?

A person in a food manufacturing and processing business, business of food manufacturing and processing for instant sale, a food additive manufacturing business, a re-packing in a small quantity business, a sales business specializing in distribution, and a food importation and sales business is responsible in accordance with the provisions of Article 7 of the Enforcement Decree of the Food Sanitation Act.

Certification & Verification:

KFDA relies on a combination of scientific verification (i.e., a laboratory test) and social verification (i.e., certificate, documents proving Identity Preserve (IP) Control) for exemption of KFDA GMO labeling requirements as outlined below.

Documentation Requirements to qualify for exemption from GMO labeling requirements (Three Options)**1. Test Verification that recombinant DNA or foreign protein is not present:**

- A. Test results must show no presence of recombinant DNA or foreign protein in the final product.
- B. Tests can be conducted by a domestic commercial laboratory, foreign government or foreign commercial laboratory.
- C. The original test certificate must be submitted to KFDA.

Note: KFDA Guidelines state that GMO labeling requirements will be exempted when there is no presence of recombinant DNA or foreign protein in the final product regardless if GM ingredients were used (e.g. soybean or corn oil: during oil extraction process, no protein is left in the final product.)

If test results show a presence of a GM component, then either the IP requirements outlined below in (2) must be satisfied, or a label must be affixed stating the product contains a GM component.

2. Identity Preserved (IP) handling certification for raw corn or soybeans and certification (or a statement) for the finished product (Both A and B are required):**A. IP handling certification requirements for raw corn and soybeans:**

- (1) Separate certification issued at designated points from farm to processing plant, i.e., by the
 - Seed supplier
 - Producer
 - Storage elevator
 - Transportation (truck/barge/rail) provider to storage elevator/to processing facility, etc.
- (2) Certification can be issued by any private entity responsible at each designated point in the process.
- (3) Certification can be in any form, including a simple statement signed by the responsible person.
- (4) Photo copy of IP handling certificate is acceptable.

B. IP handling certification requirements for a finished product (required):

- (1) Certification/statement issued by the manufacturer, processor, seller, or supplier of the final product that says non-GMO ingredients are used in the manufacture of the product, or that the product contains less than 3 percent GMO ingredients (if one of the top five ingredients is corn or soybean).

- (2) Original signed document is required (no copy).

3. Government-issued certification equivalent to IP handling certification:

In lieu of the IP handling certificates noted in 2. above, KFDA will accept one of the following government-issued documents. Government is defined as Federal, State or provincial government agency.

- A. For a country that does not produce or sell GM crops or a particular GM food,
- (1) A government-issued certificate stating that the GM agricultural crop or particular GM food in question is not produced or sold in that country.
 - (2) For same company same product, the original certificate is required with the first shipment of a product. A photo copy of the original certificate is required with each subsequent shipment of the same product. The photo copy must be confirmed by the import inspection office that holds the original certificate prior to product release.
- B. (1) A government-issued certificate/statement that states the raw material used in the final product was handled under an IP program. Original certificate/statement is required.
- (2) For raw corn or soybeans, a government-issued certificate/statement that verifies the presence of less than 3 percent GM component. Original certificate/statement is required.
 - (3) For processed food products, a government-issued certificate/statement that states there is no presence of recombinant DNA or foreign protein, or that it contains corn or soybean or derivatives in which the presence of a GM component is less than 3 percent. Original certificate/statement is required.
- C. Other documents recognized by the government of the exporter or manufacturer as equivalent to IP handling certificates. (Embassy comments: This appears to be a catch-all clause to provide KFDA flexibility with enforcement of GMO labeling requirements.)

Testing Methodology/Government Authorized Laboratory:**Testing**

- S** Product testing can be undertaken in Korea.
- S** Delays in testing should be expected.
- S** Sample test costs accumulated on August 10 follow (Exchange rate: approximately Won 1,300 per US\$1)
 - A. For bulk corn and soybeans:
 - (1) For qualitative test, a range of Won 150,000 to Won 165,000 per sample.
 - (2) For quantitative test, Won 700,000 per sample.
 - B. For processed foods:
 - (1) For qualitative test, a range of Won 165,000 to Won 220,000 per sample.
 - (2) For quantitative test, Won 700,000 per sample.
 - C. Turnaround time: From three to seven days upon recipient of sample.
 - D. "Guidelines for GM food testing" - this document includes qualitative and quantitative testing methods for GM crops and a qualitative testing method for processed food. KFDA issued this document to KFDA field offices and provincial governments but, at present, it is not the official KFDA guidance on testing methodologies to be observed in testing for GM ingredients.
 - E. KFDA has not yet developed a program for designating foreign or domestic laboratories for official GMO testing.